



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MASSACHUSETTS BAY INSURANCE CO.  
et al.,

Plaintiffs,

- against -

SENECA INSURANCE COMPANY Inc., et al.,

Defendants.

21-CV-9184 (CM) (RWL)

**ORDER**

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

This order resolves the letter motion by defendant Seneca Insurance Co. to, inter alia, compel production of certain documents withheld by plaintiff Hanover Insurance Co. on the basis of attorney-client privilege and/or work product protection. See Dkt. 82.

1. Hanover shall produce documents from its pre-disclaimer investigation and decision to disclaim coverage to 2939 LLC to the extent such documents are dated prior to the earlier of Hanover's disclaiming coverage or consulting legal counsel about disclaiming coverage.

2. Hanover shall produce documents in Hanover's underwriting file regarding additional insured coverage to 2939 LLC.

3. Hanover shall produce communications and reports to 2939 LLC and Weiss from the underlying action (*Wang v. 2939 LLC, et al.*). Any information specific to Industria/Borgo may be redacted.

4. Hanover shall produce any other documents concerning the underlying action that expressly address the decision whether or not to (a) assert indemnity or

contribution claims on behalf of 2939 LLC and/or Weiss against Industria/Borgo, and (b) file for summary judgment.

5. Seneca objects to certain items listed on Hanover's privilege log on the basis that sufficient information is lacking (such as author, date, etc.). Hanover must either provide that information or indicate that such information is not reasonably available.

6. The parties shall further meet and confer regarding documents withheld by Hanover on the basis of relevance. Hanover must disclose the nature of any documents withheld on that basis.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

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ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: October 13, 2022  
New York, New York

Copies transmitted this date to all counsel of record.